

and copending Application Serial No. 09/978,932 filed on October 16, 2001 for a MULTI-AXIAL BONE ANCHOR SYSTEM. Petitioner agrees that a patent so granted on the instant application shall be enforceable only for and during such period that it and U.S. Patent Nos. 6,315,779 and 6,280,445, and any patent issuing from Application Serial No. 09/978,932, are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154-156 and 173 of any of U.S. Patent Nos. 6,315,779, 6,280,445 or any patent issuing from Application Serial No. 09/978,932 in the event that any of such patents: expires for failure to pay a maintenance fee; is held unenforceable; is found invalid by a court of competent jurisdiction; is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321; has all claims canceled by a reexamination certificate; is reissued; or is in any manner terminated prior to the expiration of its full statutory term.

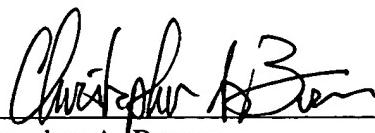
The undersigned, Christopher A. Brown, is an attorney of record and is empowered and authorized to act on behalf of the Petitioner in making this Terminal Disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the

United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 14 January 2004

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TERMINAL DISCLAIMER
Serial No. 09/941,056
Inventors: Morrison et al.
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